

THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

IN RE:) CHAPTER 13
ROGER E. OLIVER) CASE NO: 16-52822
Debtor(s)) ALAN M. KOSCHIK
) BANKRUPTCY JUDGE
)
) **AMENDED**
) TRUSTEE'S MOTION TO DISMISS
) AS 341 FIRST MEETING OF
) CREDITORS CANNOT BE
) CONCLUDED AND 30 DAY
) OBJECTION PERIOD

Now comes Keith L. Rucinski, the Chapter 13 Trustee, and hereby moves this Court for an order of dismissal pursuant to 11 USC § 1307 (c)(1) and Rule 4002. The Debtor(s) failure to timely supply necessary information has hindered the Trustee's ability to administer the case and has caused unnecessary delay by the Debtor(s) which is prejudicial to creditors as the Debtor(s) is enjoying the automatic stay provided by 11 USC § 362 while hindering repayment to creditors by failing to provide necessary information to conclude the 341 meeting. Until the 341 meeting is concluded the Trustee cannot recommend the case for confirmation. Creditors cannot be paid until the case is confirmed by the Court.

On **12/01/2016**, the above named Debtor(s) filed a petition for relief under Chapter 13 of the bankruptcy code.

The original date for the First Meeting of Creditors was **1/12/17**, and has been adjourned several times because the Debtor(s) and attorney for the Debtor(s) have failed to supply the Trustee with certain required information. The Debtor(s) and attorney for the Debtor(s) were instructed to provide the following information to the Trustee.

Tax Returns

Proof of auto insurance

Financial Statements

Proof of homeowners insurance

Chapter 13 Payment

See Below for issues regarding
Chapter 13 Plan

- NEED TO RESOLVE HOME PROPERTY VALUE AND AMOUNT OWED-AFFECTS EQUITY
- PLAN NEEDS AMENDED TO PUT CONDUIT MORTGAGE PAYMENTS INSIDE PLAN, A CLAIM WAS FILED FOR \$29,993.43 ARREARAGES, PREVIOUSLY LISTED ZERO ARREARS.
- PLAN IS NOT FEASIBLE DUE TO ARREARAGE CLAIM AND A CLAIM WAS FILED FOR \$55,000.00 STUDENT LOAN NOT LISTED IN SCHEDULES
- PLAN PAYMENTS ARE DELINQUENT, AN EMPLOYER DEDUCT ORDER WAS FILED AT HUNTINGTON BANK, ONLY PAYMENTS HAVE BEEN DIRECT FROM DEBTOR AND NOT PAYING FULL PAYMENTS.

CHAPTER 13
Keith L. Rucinski
Trustee
1 Cascade Plaza
Suite 2020
Akron, Oh 44308

(330) 762-6335
Fax
(330) 762-7072

WHEREFORE, the Chapter 13 Trustee hereby moves this Court for an order of dismissal of the above Chapter 13 case for all the reasons stated herein.

NOTICE

Pursuant to 11 USC § 102, unless a party in interest requests a hearing on this pleading, the Court may grant the relief requested without a hearing or further notice.

Parties that want to be heard on this matter must file a response to this pleading within 30 days from the date in the below certificate of service.

The response must be filed with the US Bankruptcy Court at:

**US Bankruptcy Court
2 South Main Street
455 John F. Seiberling Federal Building
Akron, Ohio 44308-1810**

In addition to filing a response with the Court, parties requesting a hearing must serve all parties in the below certificate of service either through the mailing address provided or, where applicable, by the Court's Electronic Filing System (ECF).

Respectfully submitted,

/s/ Keith L. Rucinski

Keith L. Rucinski, Chapter 13 Trustee
Ohio Reg. No. 0063137
One Cascade Plaza, Suite 2020
Akron, OH 44308
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Email: krucinski@ch13akron.com

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent to:

**ROGER E. OLIVER
PO BOX 13731
AKRON, OH 44334-3731
(Via Regular Mail)**

AARON KIMBRELL(via ECF)

Keith L. Rucinski, Chapter 13 Trustee(via ECF)

Office of the US Trustee(via ECF)

Date of Service: **5/8/2017**

By: A Royer

Office of the Chapter 13 Trustee

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